

Z-30-99 Thornton Road, north side, east of Capital Boulevard, being Wake County Tax Map Parcels 1738.14 22 7801, 1738.13 12 3767, 3527; 1738.17 12 2339, 3323. Approximately 77 acres to be rezoned to Shopping Center Conditional Use (20 acres) and Office and Institution-2 Conditional Use (56 acres).

Conditions: (11/9/99)

1. All development shall comply with CR-7107.
2. Reimbursement for future right-of-way dedications shall be based upon the pre-existing zoning, R-4. Subject to the provisions of Code Sec. 10-3024, as a part of any subdivision of the subject property, and prior to issuance of building permits from any approved site plan, the right-of-way for a collector street parallel to Capital Boulevard (US Highway 1) as generally shown on attached plat dated October 22, 1999, entitled "Proposed Rezoning Plan for Thornton Road", and prepared for Tillett Development Company, shall be dedicated from the subject property. In any event, subject to the provisions of Code Sec. 10-3024, owner shall dedicate right-of-way from the subject property for the parallel collector along Capital Boulevard on before said boulevard converts to an expressway.
3. The following uses, otherwise permitted, shall be prohibited in the O&I-2 CUD district:
 - a. Emergency Shelter Type A and Emergency Shelter Type B;
 - b. Cemetery;
 - c. Airfield, landing strip, heliport; and,
 - d. Manufacturing - Specialized.
4. The following uses, otherwise permitted, shall be prohibited in the SC District:
 - a. Emergency Shelter Type A and Emergency Shelter Type B;
 - b. Cemetery;
 - c. Landfill (debris from on-site);
 - d. Adult establishment;
 - e. Airfield, landing strip, heliport; and,
 - f. Kennel/Cattery.
5. A Natural Protective Yard area shall be maintained around trees of significant aesthetic value near the Thornton Road right-of-way shown on plat entitled "Wadford Boundary Survey" prepared by John A. Edwards & Company, dated August 19, 1999.
6. The quantity of street yard landscaping plantings along all public rights-of-way shall be increased by 50% of the requirements described in Code Sec. 10-2082.5.
7. All refuse containers, mechanical/maintenance facilities, and HVAC units shall be screened such that they are not visible from any public streets rights-of-way or residential zoning district.

8. No land disturbing activity shall be permitted within any 100-year floodplain located on the property.
9. Any office development of the O&I-2 CUD portion shall be limited to floor area ratios of .33, and shall conform with unity of landscaping and unity of signage.
10. Any retail development of the SC CUD portion of the property shall not include single uses in excess of 65,000 square feet, and shall conform with unity of landscaping and unity of signage. Freestanding signs shall be low-profile only.
11. No dwelling unit or equivalent dwelling unit shall be established unless it is part of or adjoining a residential project located on a minimum tract or a residential subdivision consisting of at least ten (10) acres.
12. Prior to the issuance of Certificates of Occupancy for more than 70,000 square feet of retail uses, no less than 15 acres shall be developed for residential use.
13. Cumulative residential development shall be a minimum of 8 units per acre and a maximum of 20 units per acre.
14. A residential development shall be centrally located such that it is adjacent to the Shopping Center CUD and office development sites, substantially as shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company.
15. In order to encourage pedestrian use of the SC CUD site, a pedestrian access shall connect the proposed residential development to the SC CUD. Portions of the pedestrian access located within SC CUD shall be at least 8 feet wide and covered.
16. The development of the Shopping Center CUD shall not exceed 135,000 square feet of retail space; excluding temporary outdoor events.
17. A minimum of 5' of the total square footage of development in the SC CUD zoning west of the loop road, shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, shall consist of O&I uses.
18. Development of the Shopping Center CUD shall consist of a neighborhood scale shopping/service center facility and no more than three (3) retail out parcels.
19. If the shopping/service center facility includes multiple levels, office, institutional and residential uses shall occupy the upper levels.

20. Any retail uses located in the SC CUD on the east side of the loop road, as shown on map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, shall be located in a building of at least two stories and shall include office and/or residential uses on the upper floor(s).

21. All retail out parcels which are immediately adjacent to a residential development or office development shall provide safe pedestrian cross access with same.

22. Cross Access - Upon complete build-out of the subject property, a level of cross access shall be achieved such that a pedestrian or vehicle or both can access every developed parcel from another developed parcel. This level of cross access may be achieved through one or more of the following:

A. Vehicular Cross Access

1. Existing or newly dedicated public streets and rights-of-way;
2. Private driveways;
3. Parking lots;
4. Other vehicular surface areas

B. Pedestrian Cross Access

1. Sidewalk (inside and outside of public rights-of-way)
2. Cross-walks
3. Walking paths
4. Jogging paths
5. Brick yards
6. Other pedestrian access ways

23. Property owner shall make available to the City a site for a municipal bus stop, the specific location of which will be determined at site plan approval.

24. Hotels, motels and extended stay facilities, as defined by the City of Raleigh code, shall be prohibited within the area designated for residential development as generally shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company.

25. Subject to condition 24 above, no more than two hotel, motel or extended stay facilities, as defined by the City of Raleigh code, or any combination thereof shall be allowed on the subject property.

26. Prior to the issuance of Certificates of Occupancy for any uses on the SC CUD east of the loop road as shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, a minimum of 10,000 square feet within the SC CUD area will have a primary building entrance facing residential development to the east and/or south.

ORDINANCE (1999) 682 ZC 468
Effective: 11/16/99

